TOWN OF CHESTERFIELD, NH ZONING BOARD OF ADJUSTMENT

MINUTES July 21, 2016

Present: Chairman Burt Riendeau, Lucky Evans, Kristin McKeon, Alternates Christopher Oot and Roland Vollbehr

Absent: Harriet Davenport, Renee Fales and Selectboard Representative Norman VanCor

The Zoning Board of Adjustment met at the Chesterfield Town Office on July 21, 2016. Riendeau opened the meeting at 7:22 p.m. Riendeau appointed Vollbehr in place of Davenport and Oot in place of Fales.

The board will decide at this meeting what date the board will meet to rehear Mark Lanoue's application, as it was decided on July 12, 2016 at the ZBA meeting.

Riendeau noted that the board must decide where the board needs to be with what is needed to clarify or correct on it. The requirement is that we have to hear, within 30 days, any request for a rehearing but there is no schedule as to when we rehear it. Riendeau noted that there has been correspondence with town counsel for the proper way to proceed. This meeting is to clean up the record from the last meeting and give the details as to why the ZBA is creating a rehearing.

Riendeau noted that it is up to the board's discretion if the hearing was going to be done all over from the beginning and have all new testimony and have whoever wants to speak to it can speak to it. The board needs to be as accurate and complete as possible.

Riendeau noted that there was a new RSA that passed and went into effect on June 21, 2016 that allows land use boards to go into nonpublic to discuss of any legal counsel discussions.

Vollbehr moved to go into nonpublic RSA 91-A:3 II (l) to discuss attorney's letter and recommendations. Kristin seconded the motion, which passed unanimously.

McKeon made a motion to come out of nonpublic RSA 91-A:3 II (l). The motion was seconded by Volbehr and passed unanimously.

Riendeau noted that a board member of the zoning board can submit a Motion for Reconsideration to the zoning board after the decision meeting and the discussion on the reconsideration is discussed with the board. The board members would have reason to request the reconsideration, and not a rehearing. It would contain information that was not considered and the board would hear what that member has for information or procedure. If the board agrees that it is substantial enough and could affect the outcome of the decision, then the board would vote to reconsider, clean up the record, consider the procedures that were overlooked or not thoroughly, analyzed, discussed and the board would make a motion for rehearing. The board would decide when the rehearing will be scheduled and the board would proceed.

The information was perceived incorrectly in the last meeting as to whether McKeon had standing. The board has received clarification as to how a board can reconsider decisions going forward. McKeon's request was a reconsideration with the points. The board voted that she had

standing to bring a reconsideration for a rehearing. Riendeau suggested that the board take a vote, based on the new information that the board has, that she didn't technically have standing for rehearing, but take that information that she submitted as a Motion for Reconsideration, as opposed to a rehearing. Reindeau noted that the rehearing process will be from start to finish.

Riendeau moved, that based on the information that the ZBA better understands a reconsideration versus a rehearing in the ZBA's confusion on that. The board now understands that McKeon did not have standing for a request for a rehearing, but she had the right to bring a request before us for a reconsideration. Having gone through that process, we feel that she has no more part of the rehearing process but she is here as a board member for the reconsideration as we grant the rehearing from the Fullers request for the rehearing, which has been proven to have standing for a rehearing as an abutter and we are going to include some of the points that they brought in and we're going to open it back up as a total reconsideration of the applicant of Mark Lanoue's request for a Variance from Article II Section 208.2 of the zoning ordinance to permit commercial use to allow for the sales and servicing of vehicles with outside display of the vehicles. The property is located at 1763 Route 9, Spofford, NH 03462 (Map 10A Lot A5) Office/Retail Space/Service District.

Volbehr seconded the motion, which passed unanimously.

Riendeau moved to have a rehearing of the Mark Lanoue variance application that was approved on June 14, 2016 based on the request for a rehearing consideration from Gordon and Jeanne Fuller, listing as not having looked at their original objection copies of not being discussed, consideration of the school bus stop that is just prior to the Lanoue driveway and looking at property values. In addition to the Fuller's considerations, the board is going to proceed with the rehearing for the opportunity for the Zoning Board to provide more information in depth in their decision and to clarify any of the documents and the decisions that were made on the original variance request. The decision on this motion is to rehear, from the beginning, all the testimony available from all concerned parties.

Oot seconded the motion, which passed unanimously.

Riendeau moved to hear the rehearing on the next scheduled meeting on August 9, 2016 at 7:00 p.m., with the hearing to start at 7:30 p.m.

Vollbehr seconded the motion, which passed unanimously.

McKeon moved for the Town to assume the fees for the notification to applicant, abutters and the newspaper publication notification.

Oot seconded the motion, which passed unanimously.

Adjourn: Riendeau moved to adjourn the meeting. McKeon seconded the motion, which passed unanimously. The meeting adjourned at 9:22 p.m.

Respectfully submitted, Patricia Grace, Secretary		
Approved		
Burt Riendeau , Chairman	Date	